



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

July 17, 2014

**BY ECF**

The Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 1910  
New York, New York 10007

**Re: United States v. Frank Wright,  
12 Cr. 863 (LAP)**

Dear Judge Preska:

On June 23, 2014 the defendant in the above-referenced matter pleaded guilty before Magistrate Judge James C. Francis IV. The Government respectfully requests that Your Honor accept the defendant's plea.

I respectfully enclose for the Court's consideration a proposed Order accepting the guilty plea as well as the transcript of the guilty plea allocution.

Respectfully submitted,

PREET BHARARA  
United States Attorney

By: \_\_\_\_\_

*Brendan F. Quigley*

Brendan F. Quigley  
Assistant United States Attorney  
(212) 637-2190

cc: Edward Wilford, Esq. (by ECF)

Enclosure

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -	x	
	:	
UNITED STATES OF AMERICA	:	
	:	<u>ORDER</u>
- v. -	:	12 Cr. 863 (LAP)
FRANK WRIGHT,	:	
	:	
Defendant.	:	
	:	
- - - - -	x	

WHEREAS, with the defendant's consent, his guilty plea allocation was made before a United States Magistrate Judge on June 23, 2014;

WHEREAS, a transcript of the allocation was made and thereafter was transmitted to the District Court; and

WHEREAS, upon review of that transcript, this Court has determined that the defendant entered the guilty plea knowingly and voluntarily and that there was a factual basis for the guilty plea;

IT IS HEREBY ORDERED that the defendant's guilty plea is accepted.

Dated: New York, New York  
July \_\_, 2014

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THE HONORABLE LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA

4 v.

12 CR 863 (LAP)

5 FRANK WRIGHT,

6 Defendant.

7 -----x

8 New York, N.Y.

June 23, 2014

9 11:40 a.m.

10  
11 Before:

12 JAMES C. FRANCIS IV

13  
14 Magistrate Judge

15 APPEARANCES

16 PREET BHARARA

United States Attorney for the

17 Southern District of New York

BY: BRENDAN F. QUIGLEY

18 Assistant United States Attorney

19 EDWARD D. WILFORD

ALEXANDRA TSEITLIN

20 Attorneys for Defendant

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1 THE DEPUTY CLERK: U.S. v. Frank Wright.  
2 Counsel, please state your name for the record.

3 MR. QUIGLEY: Good morning, your Honor.  
4 Brendan Quigley for the government.

5 MR. WILFORD: Edward Wilford and Alexandra Tseitlin of  
6 the Southern District mentoring program for Mr. Wright.

7 Mr. Wright is present, seated between us.

8 THE COURT: Mr. Wright, I am Judge Francis.

9 You are charged in Count 1 of the indictment with  
10 violation of Title 21 of the United States Code, Section 846  
11 which makes it an offense to conspire to manufacture,  
12 distribute, or dispense a controlled substance.

13 The indictment charges possession with intent to  
14 distribute 28 grams or more of crack, however, under the plea  
15 agreement, I understand that you are prepared to plead to a  
16 quantity, a detectable amount of crack cocaine in violation of  
17 Title 21, United States Code, Section 841(b)(1)(C).

18 You have the right to enter your plea before a United  
19 States district judge, however, a United States magistrate  
20 judge may also take your plea provided that you consent to that  
21 procedure.

22 I have before me a consent form. Have you read and do  
23 you understand that form and did you sign it?

24 THE DEFENDANT: Yes.

25 THE COURT: I am going to ask you some questions in

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1 connection with your plea.

2 Please raise your right hand.

3 (Defendant sworn)

4 THE COURT: Please state your full name.

5 THE DEFENDANT: Frank Wright.

6 THE COURT: What is your education?

7 THE DEFENDANT: 12th grade.

8 THE COURT: Are you now or have you recently been  
9 under the care of a doctor or a psychiatrist for any reason?

10 THE DEFENDANT: No, sir.

11 THE COURT: Are you currently taking any medications?

12 THE DEFENDANT: No.

13 THE COURT: Have you ever been treated for alcoholism  
14 or drug addiction?

15 THE DEFENDANT: No, sir.

16 (Discussion off the record between defendant and  
17 counsel)

18 THE DEFENDANT: Yes. Yes.

19 THE COURT: Have you had any narcotic substance within  
20 the last week?

21 THE DEFENDANT: No, sir.

22 THE COURT: And any alcoholic beverage within the last  
23 two days?

24 THE DEFENDANT: No, sir.

25 THE COURT: Are you feeling all right today?

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1 THE DEFENDANT: Yes.

2 THE COURT: Have you received a copy of the  
3 indictment, the document that charges you?

4 THE DEFENDANT: Yes.

5 THE COURT: Have you read it and do you understand  
6 what it says that you did?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you need me to read it to you?

9 THE DEFENDANT: No.

10 THE COURT: Have you had time to talk to your attorney  
11 about the charges and about how you wish to plead?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Are you satisfied with your attorney?

14 THE DEFENDANT: Yes.

15 THE COURT: Are you ready to plead at this time?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: What is your plea to Count 1?

18 THE DEFENDANT: Guilty.

19 THE COURT: I need to determine whether your plea of  
20 guilty is voluntary and whether you fully understand the  
21 charges against you and the possible consequences of your plea,  
22 so I am going to ask you some additional questions.

23 I remind you that the charge against you is conspiracy  
24 to distribute and possession with the intent to distribute  
25 substances containing a detectable amount of cocaine base. The

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1 law provides as a penalty, a term of imprisonment of up to 20  
2 years, a term of supervised release with a mandatory minimum of  
3 three years and a maximum of life, a maximum fine which is the  
4 greatest of \$1 million or twice any gain derived from the  
5 offense or twice the loss to any person other than yourself as  
6 a result of the offense and a mandatory \$100 special  
7 assessment. Do you understand those penalties?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand that if you are  
10 sentenced to prison and released on supervised release and you  
11 violate the terms of supervised release, you would be returned  
12 to prison without credit for the time spent on supervised  
13 release? Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you understand that as part of any  
16 sentence, the Court would require you to make restitution to  
17 any victims of the crime?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand that you are admitting  
20 to the forfeiture allegation in the indictment, which means  
21 that you agree to forfeit any money or property obtained as a  
22 result of the offense or used to facilitate the offense?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that if you are not a  
25 United States citizen, you would be subject to deportation on

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1 the basis of your conviction?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that you have the right  
4 to plead not guilty and the right to a jury trial on these  
5 charges?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand that if you plead not  
8 guilty and go to trial, the burden would be on the government  
9 to prove your guilt beyond a reasonable doubt?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand that at a trial you  
12 would be presumed innocent until the government proves your  
13 guilt?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that you have the right  
16 to be represented by an attorney at trial and at all other  
17 stages of the proceedings and, if necessary, an attorney would  
18 be appointed for you?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand that at a trial you  
21 would have the right to confront and question any witnesses who  
22 testify against you and the right not to be forced to testify  
23 against yourself?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand that at a trial you



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1 would be the entitled to testify in your own behalf, to present  
2 evidence, to call witnesses to testify and to subpoena those  
3 witnesses if necessary?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you understand that if you plead guilty  
6 there will be no trial of any kind and the trial related rights  
7 that I have just described would no longer apply and the only  
8 remaining step would be for the court to sentence you?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand the nature of the charge  
11 to which you are pleading?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand the range of penalties  
14 including the maximum sentence that you could receive on the  
15 basis of your plea?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you and your attorney talked about  
18 how the sentencing commission guidelines might apply in your  
19 case?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that the court will not  
22 be able to determine the guidelines for your case until a  
23 presentence report has been prepared and you and the government  
24 have had the opportunity to challenge any facts reported there?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you understand that after it has been  
2 determined what guidelines apply to a case, the court has the  
3 authority in some circumstances to impose a sentence that is  
4 more severe or less severe than that called for by the  
5 guidelines?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand that in determining the  
8 sentence the court will consider, in addition to the guidelines  
9 and possible departures from those guidelines, all of the  
10 factors set forth in the statute that is 18, United States  
11 Code, Section 3553(a)?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that under some  
14 circumstances you or the government may have the right to  
15 appeal the sentence?

16 THE DEFENDANT: Ye, sir.

17 THE COURT: Do you understand that there is no parole  
18 and if you are sentenced to prison you will not be released on  
19 parole?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that the answers you  
22 give to me today under oath may in the future be used against  
23 you in a prosecution for perjury or false statement if you do  
24 not tell the truth?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you still wish to plead guilty?

2 THE DEFENDANT: Yes.

3 THE COURT: Have any threats been made to you by  
4 anyone to get you to plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: Have any promises been made concerning the  
7 sentence that you will receive?

8 THE DEFENDANT: No.

9 THE COURT: I have before me a plea agreement dated  
10 May 27, 2014. Have you read and do you understand that plea  
11 agreement and did you sign it?

12 THE DEFENDANT: Yes.

13 THE COURT: That plea agreement contains a sentencing  
14 guidelines calculation. Do you understand that if you are  
15 sentenced within or below the guideline range indicated, that  
16 you are agreeing not to appeal or otherwise challenge your  
17 sentence?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you also understand that you are  
20 agreeing not to appeal or challenge your conviction on the  
21 ground that the government has failed to produce discovery  
22 material or information that might tend to prove your  
23 innocence?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you also understand that if your plea

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1 is vacated for any reason, you are agreeing not to challenge  
2 any future prosecution on the ground that it is time barred?

3 THE DEFENDANT: Yes.

4 THE COURT: Apart from what is contained in this plea  
5 agreement, has anyone promised you anything whatsoever in  
6 connection with your plea?

7 THE DEFENDANT: No, sir.

8 THE COURT: Does the government wish to set forth on  
9 the record the elements that it would prove at trial?

10 MR. QUIGLEY: Yes, your Honor.

11 There are two elements to the offense charged: First  
12 is the existence of the conspiracy charged in the indictment,  
13 that is, that there was in fact an agreement among people to  
14 distribute crack cocaine during the time periods charged in the  
15 indictment; and, second, that the defendant knowingly and  
16 willfully became a member of the conspiracy.

17 THE COURT: Thank you.

18 Mr. Wright, do you understand that if you were to go  
19 to trial, the government would have to prove those elements  
20 beyond a reasonable doubt?

21 THE DEFENDANT: Yes.

22 THE COURT: Is your plea voluntary and made of your  
23 own free will?

24 THE DEFENDANT: Yes.

25 THE COURT: Did you commit the offense charged?

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1 THE DEFENDANT: Yes.

2 THE COURT: Tell me what you did.

3 THE DEFENDANT: April 21st -- 24th, I sold a substance  
4 to Olivera.

5 THE COURT: I'm sorry. You sold a substance to?

6 THE DEFENDANT: Olivera.

7 THE COURT: Who is who?

8 THE DEFENDANT: The co-conspirator.

9 THE COURT: That substance was crack cocaine?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Was that April 24th of this year?

12 THE DEFENDANT: Of 2012.

13 THE COURT: At the time you did that, you knew what  
14 you were doing was wrong?

15 THE DEFENDANT: Yes.

16 THE COURT: Does the government have any other  
17 questions that need to be asked?

18 MR. QUIGLEY: No, your Honor.

19 THE COURT: Do you know of any reason why the  
20 defendant should not plead guilty?

21 MR. QUIGLEY: No, your Honor.

22 THE COURT: Mr. Wilford, do you know of any such  
23 reason?

24 MR. WILFORD: None whatsoever, your Honor.

25 THE COURT: I am satisfied that the defendant

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1 understands the nature of the charge against him and the  
2 consequences of a plea of guilty. I am also satisfied that the  
3 plea is voluntary and knowing and that there is a factual basis  
4 for it. I will therefore recommend that Chief Judge Preska  
5 accept the defendant's plea of guilty to Count 1 of the  
6 indictment.

7 Do we have a sentencing date?

8 MR. QUIGLEY: Not yet, your Honor. We would ask for a  
9 control date 90 days out.

10 THE COURT: September 23rd is the control date and a  
11 presentence report will be prepared.

12 The government will provide the case statement to  
13 probation within the next two weeks?

14 MR. QUIGLEY: Yes, your Honor.

15 THE COURT: Mr. Wilford, would you be available for  
16 your client's interview during that period?

17 MR. WILFORD: Yes, your honor.

18 THE COURT: Any requests with respect to the  
19 conditions of detention or release?

20 MR. QUIGLEY: No, your Honor.

21 MR. WILFORD: No, your Honor.

22 THE COURT: that will continue.

23 Thank you all.

24  
25 o o o